IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

FRIDAY, THE 28TH SEPTEMBER 2007 / 6TH ASWINA 1929

WP(C).No. 28908 of 2007(N)

PETITIONER:

AJI, AGED 26 YEARS, S/O.BABUJI,
NELLUMMOOTTIL, CHERIYAZHEEKKAL P.O.
KARUNAGAPPALLY, KOLLAM DISTRICT.

BY ADV. SRI.B.S.SIVAJI

RESPONDENTS:

1. LIJI, D/O.VIJAYAN (REPRESENTED BY)
KUZHIVILA VEEDU, SREENIVASAPURAM,
VARKALA.

2. VIJAYAN, KUZHIVILAVEEDU,
SREENIVASAPURAM, VARKALA.

3. SUB INSPECTOR OF POLICE,
KARUNAGAPPALLY POLICE STATION,
KOLLAM DIST.

4. STATE OF KERALA
REP. BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,
ERNAKULAM.

BY GOVERNMENT PLEADER SRI.GIKKU JACOB

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 28/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

R.BASANT, J.

W.P.C.No.28908 of 2007

Dated this the 28th day of September 2007

J U D G M E N T

The petitioner is the husband of the first respondent. Marriage between them was solemnised on 21/7/2006. It is the case of the petitioner that the first respondent, whom he had married, was afflicted with psychiatric ailment. The petitioner has already approached the matrimonial court for a declaration of nullity of marriage. The said proceedings are pending.

2. The petitioner has come to this court with the grievance that the first respondent is creating unnecessary hardship, trouble and inconvenience to the petitioner as also his neighbours. He has sent his wife to her house. She is coming back to his house and unnecessarily picking up quarrels and creating confusion. She may do harm to herself or others. The police are not taking any action. It is in these circumstances prayed that directions may be issued to the police to take appropriate action. Ext.P1 is the copy of the petition filed before the third respondent by the petitioner.

3. I have gone through Ext.P1 petition. There is no specific allegation of commission of any cognizable offence in Ext.P1. I shall assume that Ext.P1 has been filed before the third respondent, I cannot find fault with the third respondent if no action is taken on the basis of such a complaint. Evidently, the question whether the first respondent is suffering from any psychiatric ailment or not will have to be decided in the matrimonial proceedings between the parties. If petitioner has valid reasons for judicial separation he must seek orders from the matrimonial court. I find absolutely no reason in the facts and circumstances of this case to issue any direction to the third respondent to take action in respect of Ext.P1.

4. This writ petition is in these circumstances dismissed. Needless to say, if the first respondent indulges in commission of any cognizable offence, the petitioner shall be at liberty to lodge a proper complaint before the police and needless again to say, the police shall have to take appropriate action on such complaint. At the moment no direction appears to be necessary.

5. With the above observations, this writ petition is dismissed.

(R.BASANT, JUDGE)

jsr

R.BASANT, J.

CRL.M.CNo.

ORDER

21ST DAY OF MAY2007